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# Standards of Conduct

## Pre-Command Legal Orientation



# Outline

- Recent Examples

- Use of Government Resources
- Gifts
- Travel & Transportation
- Family Readiness Groups
- Non-Federal Entities



# Essentials

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- Seek Counsel from Your Attorney
- Train Spouses & FRG Leaders
- Ethical Violations Occur at All Levels



# Senior Leader Investigations

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## Non-Federal Entities (NFEs)

- Appearing in public in official capacity to endorse an NFE
- Pressuring subordinates to join or participate in an event

## Fundraising

- Encouraging participation in NFE fundraising
- Appearing at NFE fundraising event in uniform

## Gifts

- Accepting farewell gift (pistol) valued at over



# Senior Leader Investigations

## Use of Government Resources

- Using aide/subordinates to perform personal tasks
- Using non-tactical vehicle for unofficial purposes
- Using official mail for unofficial events

## Travel and Transportation

- Scheduling other “official event” to justify otherwise unauthorized spousal travel



# Use of Government Resources (1 of 3)

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General Rule: Federal Government resources are for official use only

- Includes:

- Telephones,
- Computers,
- NTVs

- Also Consider: Personnel are



# Use of Government Resources (2 of 3)

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Exceptions: Personal use authorized IF:

- No adverse effect on duty performance
  - Reasonable duration and frequency
  - Legitimate public interest served
  - Doesn't overburden communication systems
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# Use of Government Resources (3 of 3)

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## Non-Tactical Vehicles

- Changes of command, promotions, retirements,
- Official participation in public ceremonies
- Spouses may accompany when space is available

## Caution

- Duty to Domicile
- Use of NTV as a shuttle for intoxicated





# Gifts

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## General Rule:

DOD employees shall not solicit or accept, directly or indirectly a gift from a prohibited source or because of their official position.



# Gift Analysis: Is it a Gift

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## Exclusions:

- Coffee, Donuts & Other Modest Refreshments
- Greeting Cards & Items with Little Intrinsic Value
- Military Discounts Available to All Members



# Gift Analysis: What is the Source

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1. Outside Source
2. Foreign Government
3. Employee



# Outside Source: Defined

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## **Two Types of Outside Sources**

1. Because of Official Position

2. Prohibited Source

- Seeking Government Action
- Conducting Business with Government
- Interests Substantially Affected by Government



# Outside Source: Exceptions

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## Common Exceptions:

- \$20/\$50 Rule
- Personal Relationship
- Widely Attended Gathering



# Employee Gifts: Exceptions (1 of 2)

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## Traditional Gift Giving Occasions:

- Valued \$10 or less (no cash)
- Shared Refreshments
- Personal Hospitality at Residence



# Employee Gifts: Exceptions (2 of 2)

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## Special Infrequent Occasions:

- \$300 limit per donating group
- \$10 limit on solicitation
- Voluntary contributions
- No buy down
- No splitting of gifts
- Caution: Donating group mixing



# Gifts to Wounded Soldiers

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## Acceptance of Gifts from Non-Federal Sources:

- Retroactive to September 11, 2001
- Must be unsolicited
- Gifts over \$350/\$1000 per source per year
  - Waiver Required





# Foreign Gifts

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## Personal Acceptance

- \$350 in U.S.
- Spouse Gift = To Employee

## Acceptance on Behalf of United States Army

- Seek the advice of your judge advocate



# Dealing with Improper Gifts

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- Refuse or return it
- Pay for it
- Perishable Gifts:
  - Give to MWR
  - Share within office
  - Destroy



# Travel & Transportation

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- Funding
- Secretary of the Army Travel Policy
- Travel Benefits
- Premium Class Travel Rules
- Spousal Travel Rules

*\* Travel is a highly visible issue. There were six major FOIA requests and/or audits related to travel in 2010*

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# Who Funds Travel

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- Army
- Non-Federal Entity – 31 U.S.C. § 1353
  - Meeting or similar function
  - Government interest
  - Opinion from ethics counselor
  - Approved before travel
- Do not accept cash from NFE



# Travel Benefits & Upgrades

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## Travel Benefits

- Frequent flyer miles belong to individual
- Can use frequent flyer miles to upgrade

## Uniform Wear

- No uniforms in premium class

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## On-the-Spot Upgrades



# Premium Class Travel Rules

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## General Policy:

- Fly Coach, premium class travel at government expense always requires an exception to policy

## First Class Travel

- Approved by Secretary of the Army

## Business Class Travel

- AC, ASCC, DRU Commanders

- O-8/O-9 Deputy/Chief of Staff



# Spousal Air Travel

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## Spousal Travel on Military or Commercial Air:

- Official Travel
  - Accompanying Spousal Travel
  - Other Spousal Travel
- Unofficial

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*Cannot approve travel of your own*

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# Family Readiness Groups

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## Resources For Official FRG Mission:

- Office space, computers, office equipment
- Paper and printing supplies
- Official mail
- Use of NTVs

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• Childcare for command-sponsored

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# FRG Informal Fund

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- One Fund Per FRG
- Command Approval
- Non-interest bearing
- Treasurer and Alternate
- Personally liable
- Annual report to



# Informal Fund Limit

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# FRG: Fundraising

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## Fundraising:

- Not Off-Installation
- On-Post with Approval

## Potential Conflicts

- Travel
- Private Orgs.



# FRG Funding Pitfalls

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- Funding the Unit Ball
- Supplementing the Cup & Flower Fund
- Gambling Fundraisers



# NFEs–Remember the Fundamentals

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In official capacity, Soldiers & DA Civilians must:

- Treat ALL NFEs the same
- NOT fundraise
- NOT endorse
- NOT solicit gifts

Exceptions:

- CFC and AER
  - Disaster Appeals approved by OPM, and
  - Army/DoD Employees/Family Members when
- ~~conducting internal fundraising approved by~~



# Limited Logistical Support to NFEs (1 of 2)

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## Common Examples:

- DoD employees in their official capacities as speakers (seek public affairs guidance IAW AR 360-1)
- Use of DoD facilities and equipment (and the services of the DoD employees necessary to operate the equipment)
- May use official channels to notify Army personnel of events that support morale, welfare or professional development



# Limited Logistical Support to NFEs (2 of 2)

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But . . .

- No interference with duties/readiness
- Legitimate DOD interest & appropriate for support
- Event is of interest to civilian/military community
- *Willing to provide similar support to other similar events*
- No laws or regulations restricting support



# Personal Participation in an NFE

- Membership: OK, in personal capacity
- Management: OK, in personal capacity
- Endorsement: OK, but not official
- Fundraising: OK outside work, in personal capacity

